

REMARKS

Claims 1-5 are pending in the present application. Claims 1-5 are rejected. Claim 1 is herein amended. It is believed that no new matter has been entered through the claim amendment or the amendment to the specification. Further, it is respectfully submitted, upon belief, that this paper is fully responsive to the outstanding Office Action.

Claim Rejections - 35 U.S.C. §102

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by Kenner et al. (U.S. Patent No. 5,956,716).

The rejection is respectfully traversed.

Claim 1 is amended to recite, “a moving picture file distributing device which receives a moving picture file by uploading and stores it in storage means, and distributes the moving picture file stored in the storage means to a client by downloading, comprising: upload buffer generating means for dynamically generating an upload buffer for temporarily holding a moving picture file at the time of reception correspondently to a session number for a session; and download buffer generating means for dynamically generating a download buffer for temporarily holding a moving picture file at the time of distribution correspondently to another session number for another session, wherein the upload buffer is generated after the session number is notified, and the download buffer is generated after the another session number is notified.” Support for the amendment may be found in the Specification in at least: page 8, lines 10-27; page 9, line 26 to page 10, line 16; and FIG. 2, (S1 and S2). It is respectfully submitted that the

cited art fails to describe at least the aforementioned recitations of claim 1 of the present application.

At page 2 of the Office Action, the Examiner contends that Kenner describes the uploading buffer generating means and the download buffer generating means of claim 1 of the present application at, "... (see [figure 2] for DSI buffer, [column 5 lines 8-38] for DSI session creation, [column 6 lines 42-52] for querying during a user session, [column 12 lines 5-18] for DSI session creation used to buffer data and its destruction immediately thereafter; [column 29 lines 36-40] where the same storage logic is inherent to the device and applied not only for the downloading but also for uploading video data as discussed in this section)." Also, the DSI referred to herein is a "Data Sequencing Interface."

Regarding the references description of the DSI, Kenner states at column 11, line 65 to column 12, line 13: "The "DSI command interfaces" exist to allow the PIM 22 to function apart from the extended SRUs 26. The DSI command interface of Kenner is provided to direct the extended SRU 26 to download the audio-visual information to the DSI 30 transmit buffers for eventual download to the user terminal 14. According to the invention, each DSI 30 is created by the PIM 22 to facilitate data transfer from the extended and remote SRUs 26 and 38 to the user terminal 14. When created, the DSI 30 may reside within the extended or local components of the system, but in the preferred embodiment of FIG. 1 is shown locally. The DSI 30 collects, manages, and buffers data which is transmitted from both extended SRUs 26 and remote SRUs 38 to the local SRU 18, and then downloaded to the user's terminal 14."

Further to the foregoing description of Kenner, it is clear that the DSI 30 of Kenner (which the Examiner correlates with the upload generating means and the download generating means) does not describe a session number, or a buffer being created until after said session number is notified as in at least claim 1 of the present application.

Regarding the Examiner's contentions in the Response to Arguments section of the outstanding Office Action on pages 6-7 regarding the upload buffer generating means, it is submitted that the primary portion of Kenner which describes an "upload" process is at the section entitled "STORING A VIDEO CLIP" at column 15, line 58 to column 16, line 10. Within the aforementioned section, a DSI is not utilized. Instead, as stated in column 16, lines 4-10, the section specifically describes three steps that are executed in storing a video clip (a DSI is not utilized).

To further the foregoing argument, Kenner specifically describes as an "Internet Example" (Example 7) a situation described therein regarding a preferred embodiment of an Internet-related video clip storage and retrieval system according to the present invention of Kenner. (Kenner: column 20, line 10 to column 21, line 16). In said section of Kenner, the reference itself specifically states, "Also, on any computer connected to the backbone 80, one or more transient DSI processes 58 may be created. Such DSI 58 may be created by the PIM 64, as required, for each user receiving audio-video content by the invention."

As such, the DSI process of Kenner is involved primarily with downloading operations, not uploading operations.

Furthermore, in yet another example of Kenner, the reference fails to describe the use of a DSI in the section entitled "B. UPLOADING AND DISTRIBUTING NEW CONTENT." (Kenner; column 27, line 62 to column 29, line 67).

Claims 2-5 which depend directly from claim 1 are patentable for at least the reason of their dependency therefrom. Further, separate and individual consideration of the dependent claims is respectfully requested.

In view of the foregoing, it is respectfully requested that the rejection is overcome.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

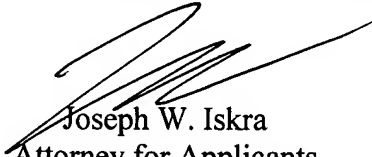
If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No.: 10/686,710
Art Unit: 2623

Submission under 37 C.F.R. §1.114
Attorney Docket No.: 032024

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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